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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/523,910	02/08/2005	Hubert Verelst	081276-1042-00	9448		
23409	7590	06/20/2008	EXAMINER			
MICHAEL BEST & FRIEDRICH LLP 100 E WISCONSIN AVENUE Suite 3300 MILWAUKEE, WI 53202				GRAHAM, GARY K		
ART UNIT		PAPER NUMBER				
3723						
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/523,910	VERELST ET AL.	
	Examiner	Art Unit	
	Gary K. Graham	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20050208</u> . | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 and 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 9, setting forth that the connection "has at its disposal means to secure..." appears indefinite. It is not clear from such language whether the means to secure is being claimed or not. Clarification is requested.

In claim 7, line 3, there is no antecedent basis for "the passage".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 8 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egner-Walter et al (German patent 3709810) in view of De Paoli et al (US patent 6,305,066) and Barret et al (EP 0158991).

The patent to Egner-Walter discloses the invention substantially as is claimed, including a wiper lever (figs.1,2) having a driven wiper arm (12) supporting a wiper blade (1). The wiper blade includes a band-like, elastic support element (10) supporting a rubber wiper strip (19,21). A coupling element (31) is provided on an upper surface of the support element and includes a shaft (32) to which an adapter (33) is coupled to provide an articulated connection between the arm (12) and blade (1). A coupling piece at the end of the wiper arm (12) is coupled to the adapter in what appears as a conventional releasable manner via the adapter. An elastic, plastic cap (36) covers the articulated connection and is locked to the supporting element of the wiper blade via bead (37). Note that the cap accommodates the entire adapter (33).

The patent to Egner-Walter discloses all of the above recited subject matter with the exception of the supporting element being curved along its length, the articulated connection including a handle on the adapter for actuating securing of the connection and the adapter being plastic.

The patent to De Paoli discloses a wiper lever (fig.1) comprised of a wiper arm (18) supporting a wiper blade (10). De Paoli discloses curving the support element (12) of the wiper blade (10) such that proper contact of the wiper strip (14), supported by the supporting element, with the window occurs.

It would have been obvious to one of skill in the art to curve the supporting element of Egner-Walter, as clearly suggested by De Paoli, to ensure proper windshield contact by the wiper strip.

The patent to Barret discloses a conventional connection between a wiper arm (11) with a coupling piece or hooked end (12) and wiper blade (13). The connection employs a plastic adapter (1) detachably connected with the hooked end (12) of the arm and with a shaft (14) of the wiper blade. The adapter includes a cantilevered spring arm (3) with a projection (9) thereon for receipt into an aperture in the coupling piece. Actuation of the spring arm provides for removable locking of the arm with the adapter in known fashion.

While the engagement of the adapter (33) with the coupling piece of the wiper arm (12) is not clearly shown by Egner-Walter, to provide the engagement as a releasable cantilevered spring arm that engages with an aperture in the coupling piece of the arm would have been obvious, as is conventional and as is clearly suggested by Barret, to enable a detachable connection. The extended portion of the cantilevered arm as shown by Egner-Walter acts as a handle that can be actuated. It also would have been obvious to make the adapter of plastics, as suggested by Barret, to provide a lightweight, cheap adapter.

With respect to claims 1 and 2, as the handle of Egner-Walter is within the cap (36), the cap is considered to accommodate the handle, at least as far as claimed. Note that the cap does not prevent actuation of the handle of the adapter.

With respect to claim 4, the cap of Egner-Walter is considered to be "trough-like", at least as far as such defines any particular structure. Note that the cap of Egner-Walter has numerous edges, all facing the supporting element. Also note that the wiper arm (12) passes through the cap at the penetration opening. The handle of Egner-Walter projects toward a longitudinal trough wall, at least as far as defined.

With respect to claim 5, note recesses in portion (38) which are considered to be "allocated" to the handle, at least as far as defined.

With respect to claim 11, the upper extension (where reference 33 is directed) of the adapter (33) is considered a "handle", at least as far as defined. As such, when the lower cantilever portion approaches the upper extension during deflection, the wiper blade is detached from the arm as claimed.

With respect to claim 13, note limit stops (27) on the supporting element. The beads (37) are considered as counter limit stops and are considered "allocated" to the limit stops, at least as far as defined.

Allowable Subject Matter

Claims 6, 7, 9 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary K Graham/
Primary Examiner, Art Unit 3723

GKG
17 June 2008